THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 19521 of 2006

Dated : 02.03.2007

Between:

Islamiya Educational Society, rep. by its Secretary, Khader Khan and others.

..Petitioners.

and

The Government of Andhra Pradesh, rep. by its Principal Secretary, Health Medical & Family Welfare Department, Secretariat Buildings, Hyderabad and others.

..Respondents.

HE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 19521 of 2006

ORDER:

In this writ petition, the petitioners seek directions by way of Mandamus to the 3rd respondent-High Power Committee, constituted by the Government, to consider their application dated 02.03.2006 for establishment of Nursing College by taking into account their letter dated 12.09.2006, and consequently, to issue 'No Objection Certificate' to run the College of Nursing.

The 1st petitioner is a Society registered under the provisions of Andhra Pradesh Societies Registration Act, 1860, and, is presently governed by the provisions under Andhra Pradesh Societies Registration Act, 2001. The Government, vide G.O.Ms.No.574 dated 19.11.2005, entrusted the work of inviting applications for establishment of Schools of Nursing/Colleges of Nursing to the High Power Committee, which is headed by a former Judge of this Court. The said committee had issued notification dated 19.11.2005 inviting applications for establishment of Nursing Colleges from the Managements of Hospitals with minimum required bed strength of 200. Pursuant to the said notification, the 1st petitioner-Society, in order to start second petitioner-Nursing College, had submitted proposals on

02.03.2006. Though the 1st petitioner-Society/Management is not having hospital of its own, but however, it enclosed letters issued from several private hospitals namely, S.R. Hospitals, Secunderabad, Saluja Multi Specialty Hospital, Secunderabad, Shreyas Multi Specialty Hospitals, Hyderabad, and Ark Hospitals, Hyderabad. The said letters were given by those hospitals to extend their clinical affiliations to the 1st petitioner-Society to start 2nd petitioner-College of Nursing. But however, the High Power Committee has issued letter dated 30.08.2006 rejecting the proposal of the 1st petitioner-Society on the ground that the petitioners have not complied with the conditions as contemplated in the notification. In the annexure enclosed to the letter No.488/HPC/2006 dated 30.08.2006, it is stated that the hospitals, which issued letters to extend their clinical affiliations, have already extended their clinical affiliations to the other applicants in application Nos. 378, 379 and 380. Rejection of proposal also indicates another reason, namely, that the petitioners are not owning any hospital having required bed strength of 200. It is the case of the petitioners that subsequent to proceedings dated 30.08.2006, a letter dated 12.09.2006 was issued by M/s Saluja Multi Specialty Hospital, Secunderabad, which is having a bed strength of 200, to extend the affiliation exclusively to the 1st petitioner-Society. As such, they made a representation on 12.09.2006 along with the letter issued by Saluja Multi Specialty Hospital. In spite of the same, respondents have not reconsidered.

Counter affidavit is filed by the respondents stating that as

per the notification, the applicant alone should own 200 bedded hospital and forward the proposals on the basis of clinical affiliations extended by several hospitals. It is stated that clinical affiliation is not permitted as per the notification dated 19.11.2005. In the counter affidavit, it is also stated that in the process of clinical affiliation, students have to be taken to the institutions clinically affiliated to the nursing college in the training process. As such, students will not be having adequate training to acquaint themselves with subjects. Therefore, the Government in the best interest of profession and to uphold the high standards of nursing education has imposed the condition that applicants seeking establishment of nursing colleges should have their own 200 bedded hospitals.

It is the case of the petitioners that the proposals submitted by the petitioners were rejected on two grounds, namely, (i) that the applicant did not own hospital as required in the notification, and, (ii) that the hospitals, which have issued letters to extend their clinical affiliations, have already extended their clinical affiliations to the other applicants in applications bearing Nos. 378, 379 & 380. Though letter dated 12.09.2006 was issued by the Saluja Multi Specialty Hospital, Secunderabad subsequent to the rejection of the proposal of the petitioners, a copy of which is made available along with the writ petition, which indicates that the said hospital has issued letter to extend the clinical affiliations exclusively to the 1st petitioner, but however, at the same time, even according to the 1st petitioner, the petitioners are not owning any hospital having the required bed strength of 200. The very

notification is issued inviting applications from the managements of the hospitals with the minimum bed strength of 200, and, as admittedly, the petitioners are not having such a hospital, they are ineligible as per the notified conditions for grant of permission to run a nursing college. Even the letter dated 12.09.2006 was issued only for extending clinical affiliation from a separate hospital by name Saluja Multi Specialty Hospitals, Hyderabad.

In that view of the matter, I do not find any merit in the writ petition for grant of directions as prayed for. The Writ Petition is devoid of merits.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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R. SUBHASH REDDY, J

Dated:02-03-2007.

sj